

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NANCY R., pseudonymously,)	
)	
Plaintiff,)	
)	
vs.)	5:25-cv-00462-G
)	
PLAZA HOTELS, LLC;)	
STEVE KETTER;)	
MICHAEL WILEY;)	
OKC AIRPORT ES, LLC;)	
ESH STRATEGIES FRANCHISE, LLC;)	
KAJAL HOSPITALITY, LLC;)	
JALIYAN HOSPITALITY, INC.;)	
SUPER 8 WORLDWIDE, INC.;)	
CHAND & SAAJ HOSPITALITY, INC.;)	
RAMADA WORLDWIDE, INC.;)	
YASH ENTERPRISES, INC.;)	
HOWARD JOHNSON;)	
INTERNATIONAL, INC.;)	
NOOR HOTEL, LLC;)	
AMBICA, LLC;)	
OM, LLC;)	
INDRA, LLC; and)	
G6 HOSPITALITY FRANCHISING, LLC,)	
)	
Defendants.)	

**DEFENDANT CHAND & SAAJ HOSPITALITY, INC.’S RESPONSE TO
PLAINTIFF’S MOTION FOR LEAVE TO AMEND COMPLAINT**

COME NOW, the Defendant Chand & Saaj Hospitality, Inc. (“C&S”), and respectfully requests that the Court deny Plaintiff’s Motion for Leave to Amend (Doc. 58) as it relates to C&S because the proposed Amended Complaint (Doc. 58-1) does not state a viable claim against C&S.

1. On March 19, 2025, Plaintiff filed her Petition in the District Court of

Oklahoma County, Oklahoma, pursuing the following claims against Defendant Chand and Saaj, Inc. (“C&S”): negligence, intentional infliction of emotional distress, relief pursuant to the Oklahoma Human Trafficking Act (21 Okla. Stat. § 210-748.2(B)), and relief pursuant to the Trafficking Victims Protection Reauthorization Act (18 U.S.C. § 1595) (“TVPRA”). (Doc. 1-2).

2. The Complaint set forth over 200 numbered paragraphs of allegations, which do not set forth a viable claim against this Defendant. (Doc. 1-2).
3. While the pleading standard in state court is slightly more relaxed than what is required by the federal rules, the elements of a claim pursuant to the Oklahoma Human Trafficking Act are substantially similar to those pursued pursuant to the TVPRA.
4. This matter was removed to federal court. (Doc. 1).
5. Several defendants filed motions to dismiss Plaintiff’s Complaint. (Docs. 17, 26 & 31).
6. In response to Defendant Jaliyan Hospitality, Inc.’s Partial Motion to Dismiss (Doc. No. 17), Plaintiff filed her *Notice of Non-Opposition* and consented to the Court’s filing of an Order dismissing Plaintiff’s claims for “negligence or premises liability” and “intentional infliction of emotional distress” against Defendant Jaliyan with prejudice. (Doc. 33).
7. On May 28, 2025, in response to all then-pending motions to dismiss (Docs. 17, 26 & 31), Plaintiff filed her *Consolidated Response to Defendants’ Motions to Dismiss and Motion for Leave to Amend Complaint Under Rule 15(a)*

(“Motion for Leave to Amend Complaint”) (Doc. 58).

8. On May 29, 2025, C&S filed its Motion to Dismiss, addressing: (1) the untimeliness of *all* of Plaintiff’s claims; and (2) Plaintiff’s failure to state plausible claims pursuant to the Oklahoma Human Traffick Act and the TVPRA. (Doc. 59).
9. Plaintiff’s Motion for Leave to Amend Complaint seeks to dismiss Plaintiff’s untimely claims of negligence and intentional infliction of emotional distress. (Doc. 58) p. 3. C&S does not object to dismissal of those claims.
10. Plaintiff’s Motion for Leave to Amend Complaint also seeks to add factual allegations against several Defendants in relation to Plaintiff’s claim pursuant to the Oklahoma Human Trafficking Act and TVPRA. *Id.*
11. C&S objects to Plaintiff’s request for leave to amend these claims as futile as it relates to C&S, because the proposed amendment does not address the deficiencies raised in C&S’s Motion to Dismiss.
12. “A court properly may deny a motion for leave to amend as futile when the proposed amended complaint would be subject to dismissal for any reason.” *Bauchman for Bauchman v. W. High Sch.*, 132 F.3d 542, 562 (10th Cir. 1998). The party opposing the amendment has the burden to show the basis for the denial. *Normali v. Defendant Seminole Cnty. Bd. of Commissioners*, No. 24-CV-257-JFH-GLJ, 2024 WL 5040396, at *2 (E.D. Okla. Dec. 5, 2024).
13. Even with the amendments reflected in the proposed Amended Complaint (Doc. 58-1), there is no allegation(s) that support a finding that C&S

participated in a sex trafficking “venture” with Domino the Pimp and/or harbored Plaintiff with actual knowledge that Plaintiff was a victim of sex trafficking.

14. The proposed Amended Complaint adds several allegations against Franchisor Defendants, including conclusory allegations aimed at tagging the Franchisor Defendant with knowledge of trafficking activities at local hotels. But C&S is not a Franchisor Defendant. And “[a] pleading that offers labels and conclusions or a formulaic recitation of the elements of a cause of action will not do.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678.

15. As it relates to C&S, for example, Plaintiff’s proposed Amended Complaint adds no allegation that moots C&S’s statute of limitations argument relating to TVPRA and the Oklahoma Human Trafficking Act.

16. Further, Plaintiff’s proposed Amended Complaint also does not add any allegation making her claims against C&S under TVPRA or the Oklahoma Human Trafficking Act *more plausible*. Rather, the added allegations are directed at imputing liability to the Franchisor Defendants and C&S is not a member of that defined class. *See* Motion for Leave to Amend Complaint, Doc. 58 p. 3.

For the foregoing reasons, Defendant Chand & Saaj, Inc. respectfully requests that this Court deny Plaintiff’s Motion for Leave to Amend Complaint, pursuant to Federal Rule of Civil Procedure 15(a), because justice does not require leave to amend the Complaint as it relates to a party whose liability exposure is not altered by the proposed

amendment.

Respectfully submitted,

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CERTIFICATE OF MAILING

This is to certify that on the 18th day of June, 2025, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF Registrants:

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